

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JERRIE FOLTZ,

CIVIL DIVISION

Plaintiff,

CASE NO.:

v.

Judge

SUN LIFE ASSURANCE COMPANY OF
CANADA,

COMPLAINT

Defendant.

FILED ON BEHALF OF:
PLAINTIFF:
Jerrie Foltz

COUNSEL FOR THIS PARTY:

Francis M. Moore, Esquire
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COMPLAINT

Parties

1. Plaintiff, Jerrie Foltz, is an individual with an address of 15 Cedar Grove Road, Avella, PA 15312.
2. Defendant, Sun Life Assurance Company of Canada, is a long term disability insurer, licensed to do business in the Commonwealth of Pennsylvania, with an address of SC 3208, One Sun Life Executive Park, Wellesley Hills, MA 02481-5699.

Jurisdiction

3. This action is brought under, and jurisdiction of this matter is vested in this Court through the *Employee Retirement Income Security Act* (ERISA), and specifically 29 U.S.C. 1132(e), 502(e) wherein the district courts of the United States shall have exclusive jurisdiction of civil actions under this title brought by the Secretary or by a participant, beneficiary, fiduciary, or any person referred to in ERISA.
4. Venue is proper because Defendant, Sun Life Assurance Company of Canada, regularly conducts business in this District.

History of Case

5. This action stems from a policy of long term disability insurance administered by Defendant in which Plaintiff was an insured.
6. Jerrie Foltz was an employee of the GAI Consultants, Inc. and was insured under a policy of long term disability insurance with the Defendant.
7. Due to significant medical ailments, Jerrie Foltz has become fully disabled.

8. Sun Life Assurance Company of Canada denied long term disability benefits to Plaintiff on or about July 26, 2017.
9. Said denial of long term disability benefits was illegal and unreasonable.
10. All administrative appeals have been exhausted.
11. Significant medical evidence was presented to Defendant outlining the nature and extent of Jerrie Foltz's disability. Notwithstanding this medical evidence, Defendant continued to illegally deny Plaintiff long term disability benefits.

Prayer for Relief

WHEREFORE, Jerrie Foltz prays for the following relief:

- a. Judgment in her favor and against the Defendant for the amount of all benefits due and owing under the plan with interest as may be permitted by the Court;
- b. An award by the Court for reasonable attorney's fees and costs as provided under the ERISA law, found at section 1132(g), *et seq*; and
- c. Any other legal or equitable relief as the Court deems appropriate.

/s/Francis M. Moore
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